

# ***Consideration and Debate***

## **A. INTRODUCTORY; INITIATING CONSIDERATION AND DEBATE**

### **§ 1. In General**

The principles of consideration and debate are the cornerstone on which the orderly proceedings of the House of Representatives are based. The rules and the body of precedent governing consideration and debate not only protect the right of individual Members to freely express themselves but also serve to expedite the business of the House and its committees.

Many of the rules of the House relating to consideration and debate are unique to that body; the House has refined and modified its rules over the years so as to accommodate the needs and responsibilities of 435 Members. And many of the same principles laid down on the subject by Thomas Jefferson in 1801 still govern consideration and debate in the House.<sup>(1)</sup>

This chapter takes up the subject of consideration and debate in

its broadest sense, including the general rules and principles as well as those specific procedures governing particular questions and motions.

This chapter excludes precedents on questions and motions which are exhaustively treated elsewhere. For example, the secondary motions, such as the motion for the previous question and to lay on the table, and the special motions, such as to discharge a committee and to suspend the rules, occupy other portions of this work. The general and most important principles concerning debate on those questions are summarized herein, but the complete body of precedents on those questions may be found in their relevant chapters and sections.<sup>(2)</sup>

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1. The provisions of Jefferson's Manual govern the procedures of the House where applicable, pursuant to Rule XLII, *House Rules and Manual* § 938 (1995).

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2. For discussion of secondary motions (postpone, lay on table, previous question, refer, recommit, reconsider), see Ch. 23, *supra*. For the motion to suspend the rules, see Ch. 21, *supra*; for the motion to discharge a committee, see Ch. 18, *supra*.

*Note:* This chapter discusses significant precedents and changes in House procedures in Congresses as

**Cross References**

*Congressional Record* as the official record of debates, see Ch. 5, *supra*.  
 Consideration and debate before the adoption of rules, see Ch. 1, *supra*.  
 Consideration in conference committees, see Ch. 33, *infra*.  
 Consideration in House committees, see Chs. 16, 17, *supra*.  
 Debate in party caucus or conference, see Ch. 3, *supra*.  
 Immunity of Members for speech and debate, see Ch. 7, *supra*.  
 Participation in debate by Delegates and Resident Commissioner, see Ch. 7, *supra*.  
 Speakers presiding over and participating in debate, see Ch. 6, *supra*.

**Collateral References**

Consideration and debate through 1936, see the following chapters in Hinds' Precedents and Cannon's Precedents: Ch. 4 (debate before adoption of rules); Ch. 46 (Speaker's power of recognition); Ch. 107 (Committee of the Whole); Ch. 110 (consideration in House as in the Committee of the Whole); Ch. 111 (the question of consideration); Ch. 112 (conduct of debate in the House); Ch. 113 (references in

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recent as the 104th Congress, but treatment of the precedents should be considered comprehensive only through the 100th Congress. For more complete coverage of recent Congresses, the reader is advised to consult the current edition of the *House Rules and Manual*, including the annotations to the rules; and the current edition of *Deschler-Brown, Procedure in the U.S. House of Representatives*.

debate to committees, the President, or the other House); Ch. 114 (disorder in debate); Ch. 115 (debate in Committee of the Whole); Ch. 116 (reading of papers); Ch. 124 (dilatory motions).

Debate in the Senate, see Riddick/Frumin, *Senate Procedure*, 716–797, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992).

Debate in the House of Commons of Great Britain, see Erskine May's *Parliamentary Practice*, 392–487, 17th ed., Butterworth & Co. Ltd. (London 1964).

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### ***Who May or May Not Participate in Debate***

#### **§ 1.1 The Speaker has on numerous occasions taken the floor and participated in debate.**

The Speaker has relinquished the chair and taken the floor for debate in the House<sup>(3)</sup> and has participated in debate in the Committee of the Whole.<sup>(4)</sup> The Speaker has taken the floor, for example, in opposition to a provi-

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3. See, for example, 104 CONG. REC. 18942, 85th Cong. 2d Sess., Aug. 21, 1958; 105 CONG. REC. 15339, 86th Cong. 1st Sess., Aug. 10, 1959; 105 CONG. REC. 17237, 86th Cong. 1st Sess., Aug. 27, 1959.

4. See, for example, 104 CONG. REC. 11765, 85th Cong. 2d Sess., June 19, 1958; 106 CONG. REC. 14090, 86th Cong. 2d Sess., June 23, 1960; 106 CONG. REC. 18734, 86th Cong. 2d Sess., Aug. 31, 1960.

sion in a special rule from the Committee on Rules,<sup>(5)</sup> in opposition to a motion to strike out the enacting clause of a bill,<sup>(6)</sup> to offer an amendment in the Committee of the Whole,<sup>(7)</sup> when yielded time by another Member speaking under a special order,<sup>(8)</sup> and to deliver remarks on a nonlegislative matter.<sup>(9)</sup>

**§ 1.2 Delegates and the Resident Commissioner may debate any matter in the House.**

On Aug. 4, 1954,<sup>(10)</sup> the oath was administered to Delegate-elect Mary Elizabeth Pruett Farrington, of Hawaii. Immediately after being sworn, Mrs. Farrington was recognized to address the House.

On Oct. 7, 1969, the Resident Commissioner from Puerto Rico, Jorge Luis Cordova, objected to

the consideration of a bill on the Private Calendar and the bill was recommitted, one other objection having been made.<sup>(11)</sup>

**§ 1.3 A Member-elect, asked to stand aside when the oath was administered to other Members, was, by unanimous consent, permitted to participate in debate on a resolution relating to his right to be sworn.**

On Jan. 10, 1967,<sup>(12)</sup> at the convening of the 90th Congress, the right to be sworn of Member-elect Adam C. Powell, of New York, was challenged. During debate on House Resolution 1, relating to the right of Mr. Powell to be sworn, Mr. Carl Albert, of Oklahoma, asked unanimous consent that Mr. Morris K. Udall, of Arizona, be permitted to yield time for debate to Mr. Powell, notwithstanding the fact that Mr. Powell had not taken the oath of office. There was no objection.

Mr. Powell made the following remarks:

My beloved colleagues with whom I have served for 24 years: I know this

5. 90 CONG. REC. 5465, 5471, 78th Cong. 2d Sess., June 7, 1944.
6. 98 CONG. REC. 1829, 82d Cong. 2d Sess., Mar. 4, 1952.
7. 101 CONG. REC. 3204, 84th Cong. 1st Sess., Mar. 18, 1955; 102 CONG. REC. 7212, 84th Cong. 2d Sess., Apr. 27, 1956.
8. 104 CONG. REC. 5854, 85th Cong. 2d Sess., Mar. 31, 1958.
9. 108 CONG. REC. 285, 87th Cong. 2d Sess., Jan. 16, 1962.
10. 100 CONG. REC. 13282, 83d Cong. 2d Sess.

11. 115 CONG. REC. 28801, 91st Cong. 1st Sess. For the rights in debate of the Delegate and Resident Commissioner, see Ch. 7, *supra*.
12. 113 CONG. REC. 15, 90th Cong. 1st Sess.

is an agonizing moment for all of you. I know if you could vote on a secret ballot, your vote would be different from what you have proclaimed publicly, because you know I have been here 24 years, and he who is without sin should cast the first stone. There is no one here who does not have a skeleton in his closet. I know, and I know them by name. . . .

Gentlemen, my conscience is clean. My case is in God's hands. All I hope is that you have a good sleep tonight.<sup>(13)</sup>

**§ 1.4 Certain contestees (sitting Members of the House) in an election contest were present on the floor during the consideration of the resolution dismissing the contest; and while they did not participate in debate, they did insert their remarks in the Record in explanation of their position.**

On Sept. 17, 1965,<sup>(14)</sup> the House agreed to House Resolution 585,

**13. *Id.* at p. 23.**

See Chs. 1 and 2, *supra*, for detailed discussion of the rights in debate of Members-elect. For further treatment of the Powell case, see Ch. 12, *supra*.

See *House Rules and Manual* (Jefferson's Manual) § 376 (1995) for the principle that where the private interests of a Member are concerned in a matter being considered he should withdraw and refrain from debate.

**14. 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess.**

with an amendment, dismissing an election contest against the delegation of Representatives-elect from Mississippi. During debate on the resolution, the contestees, who had been seated by the House, were present on the floor but did not actually participate in the debate. They did however insert in the Record remarks in explanation of their position:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I am sure that it is not necessary to point out here that this is not a very pleasant situation in which your Mississippi delegation finds itself today. While we do not entertain the slightest doubt about the ultimate outcome, we find little comfort in the knowledge that this alleged contest has serious political implications on a national basis. At the same time, we must be realistic enough to recognize the facts of political life. We must take cognizance of the conflict of the political philosophy of ourselves and the handful here in the House leading the fight as well as those behind them. We must also take into consideration the tremendous pressure that has been brought upon the membership of this House by outside influences. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: I wish to say we all are deeply indebted to those of our friends who were helpful in handling of this matter before the committee and in voting to dismiss the pending challenge. In that connection, I would like at this point to show for the permanent record that none of the so-called contestants were

candidates in the 1964 elections. In fact, three of them were candidates in the Democratic primary which, under section 3129 of the Mississippi Code, would bind them to support the nominee of the primary and would make them ineligible to be candidates in the general election in November.<sup>(15)</sup>

**§ 1.5 Members of the Senate have the privilege of the House floor, but they do not have the privilege of being recognized to address the House.**

On Oct. 11, 1943,<sup>(16)</sup> Speaker Sam Rayburn, of Texas, declined to recognize Mr. John E. Rankin, of Mississippi, for the unanimous-consent consideration of a resolution inviting Senators returned from the warfront to address the House while in session. The Speaker stated that the resolution introduced by Mr. Rankin (H. Res. 319) would be referred to the proper committee (Committee on Rules).

Mr. Rankin inquired of the Speaker whether the House did

not have the right to invite Senators to address the House. The Speaker responded:

Members of the Senate have the privilege of the floor, but they do not have the privilege of addressing the House of Representatives.<sup>(17)</sup>

**§ 1.6 Former Members of the House, while having the privilege of the floor under the rules, may not manifest approbation or disapproval of what is said on the floor.**

On Dec. 20, 1932,<sup>(18)</sup> Mr. William H. Stafford, of Wisconsin, made the point of order that a former Member of the House presently on the floor had no right to applaud the remarks of the Speaker. Speaker William B. Bankhead, of Alabama, sustained the point of order:

The gentleman has properly raised a question of order. The Chair is advised by the Parliamentarian that although the gentleman referred to is entitled to the privilege of the floor it is a violation of the rules for him to indulge in approbation or disapproval of what may be said upon the floor.

**§ 1.7 Where a Member suggested that the Parliamen-**

15. *Id.* at pp. 24285, 24287. The election contest was unique in that the seats of all the Members-elect from Mississippi were being contested on the ground of denial of voting rights within the state. The contestants had been allowed the privilege of the floor but not of participation in debate during the consideration of the resolution. See clause 1, Rule XXXII for floor privileges of contestants in election cases.

16. 89 CONG. REC. 8197, 78th Cong. 1st Sess.

17. The statement of a Senator may not be inserted in House proceedings carried in the *Congressional Record*. See 108 CONG. REC. 291, 87th Cong. 2d Sess., Jan. 16, 1962.

18. 76 CONG. REC. 761, 72d Cong. 2d Sess.

**tarian state a rule of the Senate, the Speaker Pro Tempore suggested that the Chair was conversant with the views of the Parliamentarian and would answer the inquiry.**

On May 24, 1950,<sup>(19)</sup> Mr. Clare E. Hoffman, of Michigan, rose to a question of privilege of the House, based on remarks reflecting upon a Senator and delivered in House debate and printed in the Record. During discussion of the rule of comity between the Houses, Speaker Pro Tempore John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

MR. [DANIEL A.] REED of New York: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. REED of New York: Mr. Speaker, it might clarify matters a little if our Parliamentarian would state what the Senate rule is.

THE SPEAKER PRO TEMPORE: The Chair is sure the gentleman does not want to put the Parliamentarian in the embarrassing position of making such a statement. The Chair is very conversant with the views of our able and outstanding Parliamentarian. The Chair, recognizing his great knowledge, ability, and logic, has been following the suggestions and advice of our Parliamentarian very carefully.

19. 96 CONG. REC. 7635–37, 81st Cong. 2d Sess.

### ***Debate in Informal Session***

**§ 1.8 The chairman of a select committee and a member thereof asked Members to remain in the Chamber after adjournment so that such committee could present some facts unwise to present publicly.**

On Jan. 19 and 20, 1943,<sup>(20)</sup> members of a select committee requested that Members remain in the Chamber after adjournment in order to discuss matters related to the war effort which should not be publicly discussed:

MR. [CARL] HINSHAW [of California]: Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

THE SPEAKER PRO TEMPORE:<sup>(1)</sup> Is there objection?

There was no objection.

MR. HINSHAW: Mr. Speaker, I am taking this time at the suggestion of the gentleman from Oklahoma (Mr. Nichols) to remind the Members of the House that following the adjournment of the House today the members of the Select Committee to Investigate Air Accidents would like to present to them some facts we feel it is unwise to present publicly. Therefore, if Members will do us the honor of remaining quite a little while after the session, we will be pleased, and I think they will hear some things in which they will be greatly interested themselves.

20. 89 CONG. REC. 240–49, 78th Cong. 1st Sess.

1. Howard W. Smith (Va.).

MR. [RICHARD M.] KLEBERG [of Texas]: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER PRO TEMPORE: Is there objection?

There was no objection.

MR. KLEBERG: Mr. Speaker, I take this time for the purpose of reminding gentlemen that tomorrow, immediately after the business on the Speaker's desk is disposed of, the committee appointed by the Congress under H.R. 125 will meet during an informal recess with the membership of the House, in executive session, to give you some facts which perforce, because of wartime emergencies, could not be put into our final report. There are many vital matters that the committee does not desire to withhold from the membership of the House, and we are taking the House not only into our full confidence, but we assure Members that we have some things to tell them which we feel they must know, and we hope there will be a good attendance.<sup>(2)</sup>

*Parliamentarian's Note:* The House has rarely utilized the secret session rule (Rule XXIX); the

2. But see §11.14, *infra*, where the Speaker indicated he would not recognize for a unanimous-consent request that an off-the-record meeting of Members, to discuss the war situation, be held in the House Chamber, the meeting having previously been scheduled for the auditorium of the Library of Congress. Under clause 3 of Rule I, the Speaker controls the Hall of the House after adjournment and would in all cases need to give permission for a closed discussion in the Chamber.

House and not the Committee of the Whole determines whether to go into executive session.<sup>(3)</sup>

### **§ 1.9 Portions of the Senate debate on the antiballistic missile program were conducted in closed session, pursuant to Senate Rule XXXV.**

On July 17, 1969,<sup>(4)</sup> the Senate was conducting debate on the antiballistic "safeguard" program with Vice President Spiro T. Agnew presiding. Portions of the debate were conducted in closed session:

MR. [STUART] SYMINGTON [of Missouri]: Mr. President, under rule XXXV, I move that the Senate doors be closed, and that the Presiding Officer direct that the galleries be cleared.

THE VICE PRESIDENT: Is the motion seconded?

MR. [MICHAEL J.] MANSFIELD [of Montana]: I second the motion.

THE VICE PRESIDENT: The motion having been made and seconded that the Senate go into closed session, the

3. See generally *House Rules and Manual* §914 (1995). For the statement of the Chairman of the Committee of the Whole that determinations as to secret sessions were within the province of the House and not the Committee, see 96 CONG. REC. 6746, 81st Cong. 2d Sess., May 9, 1950. For further discussion of secret sessions generally, see §85, *infra*.
4. 115 CONG. REC. 19848-74, 91st Cong. 1st Sess.

Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all officials of the Senate not sworn to secrecy.

(At 12 o'clock and 3 minutes p.m., the doors of the Chamber were closed.)

*Parliamentarian's Note:* On the following day, July 18, the Senate provided by unanimous consent for the publication of an expurgated transcript of the closed session.<sup>(5)</sup>

### ***Notes of Reporters of Debates***

#### **§ 1.10 Inquiries concerning the parliamentary situation on the floor are properly directed to the Chair, and it is not in order for a Member to request that the notes of the official reporters be read to ascertain what motions have been put by the Chair.**

On May 22, 1968,<sup>(6)</sup> the House had agreed to a conference report on S. 5, the Consumer Credit Protection Act, without debate. Disagreement arose as to whether the question on the report had been put, and Speaker John W.

5. *Id.* at p. 20115.

See also 118 CONG. REC. 15960-72, 92d Cong. 2d Sess., May 4, 1972 (Senate went into executive session to discuss National Security Study Memorandum No. 1).

6. 114 CONG. REC. 14402-04, 90th Cong. 2d Sess.

McCormack, of Massachusetts, responded to an inquiry as to whether a Member could demand that the notes of the reporters be read.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [WILLIAM L.] HUNGATE [of Missouri]: Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, so that the record is crystal clear, I request that the notes of the reporter be reread to the Members.

THE SPEAKER: The Chair will state that has never been done before so far as the knowledge of the Chair is concerned.

MR. GERALD R. FORD: Mr. Speaker, I am not sure that a circumstance like this has ever happened before, either. Inasmuch as it is important to know whether the gentleman from Texas moved—or just what transpired—I



think it would be very helpful to all of us if we could have the reporter's notes reread at this time. . . .

THE SPEAKER: The Chair will suggest that the Members can carry on their colloquy but the position of the Chair is clear—the gentleman from Texas called up the conference report and had asked that the statement of the managers on the part of the House be read and after the Clerk had proceeded to read the statement, the gentleman from Texas asked unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with and that it be placed in the Record.

The gentleman from Texas was standing and the Chair rose and said—"The question is on agreeing to the conference report." The Chair did it deliberately—and the report was agreed to. The Chair acted most deliberately.

**§ 1.11 Demonstrations and applause are not a part of the proceedings of the House, and the Speaker has directed the reporters of debates to refrain from inserting in the Record indications of applause during normal House proceedings.**

On Mar. 6, 1945,<sup>(7)</sup> Speaker Sam Rayburn, of Texas, discussed his rulings that applause and other manifestations of audience approval are not a part of the Record:

MR. [JOHN E.] RANKIN [of Mississippi]: Now, Mr. Speaker, if the rule

is going to be applied to one, it should be applied to all. When we make these 1-minute speeches, I submit we ought to have 1 minute apiece, no more and no less.

Now, there is another question I have been thinking I would raise. I propound another parliamentary inquiry at this time. Some time ago the Official Reporters of Debates ceased to take down the demonstrations that are made in the course of debate, the only parliamentary body in the world that prints a Record in which that has been done, that I have been able to find. I occasionally get the Record of the British House of Parliament. I read it and in these trying times there is applause, cheers, their cries of "hear, hear," laughter, and other demonstrations that are made. You get the Record of the United States Senate and, as a rule, they do not have probably so many there to applaud, but when there is applause or a demonstration, it is placed in the Record. Our demonstrations have been cut out of our Record and I think it is a serious mistake because now a man can make a speech and extend his remarks and you have no indication as to where his speech left off and where his extension of remarks begins. I know it has been contended by a few Members in the House that the extension of those demonstrations in the Record have been abused. But that was done very seldom, and where the Member did abuse that privilege by inserting laughter or applause he has been subjected to the most drastic criticism and ridicule and, as a rule, has never attempted it again.

I submit that from this time on I, for one, am going to insist that whatever

7. 91 CONG. REC. 1789, 79th Cong. 1st Sess.

demonstrations are made on the floor of the House during debate be reported by the Official Reporters of Debates as it was for more than 140 years. Then if a Member desires to strike it out, and has permission to revise and extend his remarks, he may do so.

THE SPEAKER: The Chair does not intend to be facetious, but the Chair would like to give the House his reaction to the expressions "Hear! Hear!" and "Applause" in the Record. When I came here 32 years ago on Sunday last, a gentleman had been elected by a split in the Republican Party in a particular State, and he had come here with Democratic and Progressive votes. He made a speech in the House. Whether it went into the permanent Record I do not know, but I know it went into the temporary Record. It closed in this fashion: "Loud and prolonged applause among Democrats and Progressives, followed by much hand-shaking."

In times past there appeared in the Record the word "Applause" where a Member spoke. In another place there was "Loud applause." In another place there was "Loud and prolonged applause." In another place there was "Loud and prolonged applause, the Members rising." If I had made a speech and had received "applause," and some Member had followed me immediately and had received "loud and prolonged applause, the Members rising," my opponent in the next primary might have called attention to how insignificant I was because I only received "applause" and the other Member had received "loud and prolonged applause, the Members rising."

The Chair has held that demonstrations in the House are not a part of the

Record, and shall continue to hold that until the rules of the House are changed.<sup>(8)</sup>

### ***Duty of Chair in the Senate***

#### **§ 1.12 The Vice President made a statement in the Senate relating to the duties of the Chair in enforcing the rules of debate.**

On Feb. 28, 1949,<sup>(9)</sup> Vice President Alben W. Barkley delivered a statement on the rules of debate in the Senate as they relate to holding the floor and as to the restriction against yielding. He concluded his remarks with a statement on the duties of the Chair:

The question as to the function of the Chair in enforcing the rules of the Senate without a point of order being made by another Senator is one to which the present occupant of the Chair has given considerable consideration. The present occupant of the Chair feels it is his duty and his function in part to facilitate the prompt transaction of the Senate's business. The Chair recognizes that frequently one Senator may dislike to make a point of order against another Senator

8. For prior practice, see 78 CONG. REC. 8043, 73d Cong. 2d Sess., May 3, 1934 (reporters of debates permitted to insert words "laughter and applause" and "applause" when such manifestation actually occurred on the floor of the House).

9. 95 CONG. REC. 1584-86, 81st Cong. 1st Sess.

who has the floor, even though he may be violating the rule or may be yielding for a general running debate, or for other purposes, because of personal relationships or other reasons. The Chair feels he is obligated to the Senate insofar as he can in observance of the rules and in protection of the Members of the Senate in the enjoyment of their rights, to observe and enforce the rules wherever he feels they are being violated.

The Chair feels certain the Members of the Senate will cooperate in the matter of keeping order in the Senate and in observing the rules. The Chair wishes in no instance to have it understood that any ruling he makes is directed to any particular Senator who at the moment may be occupying the floor or any Senator who may be seeking to interrupt another Senator who occupies the floor. For that reason the Chair has felt it his duty to make this preliminary statement in order that it may apply to all Senators, and not to any particular Senator.

*Parliamentarian's Note:* Whether the Speaker or the Chairman in the Committee of the Whole enforces on his own initiative a rule of debate depends on the nature of the rule or practice in question.

### ***Initiating Consideration of Senate Bill***

**§ 1.13 A Senate bill cannot be taken from the Speaker's table for consideration in the House by motion, unless similar to a House bill pre-**

**viously reported and on the House Calendar under Rule XXIV clause 2.**

The situation described above developed on July 31, 1975,<sup>(10)</sup> in the House when Speaker Carl Albert, of Oklahoma, responded to several parliamentary inquiries:

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, it is my understanding that the other body has passed this legislation and that it will soon be messaged over to the House. My inquiry is whether or not there is any way under the parliamentary procedures of the House that the bill can be brought up for immediate consideration upon its receipt in the House.

THE SPEAKER: It can be brought up only by a unanimous-consent request.

MR. RHODES: Mr. Speaker, in that event, I ask unanimous consent that when the bill is brought to the House that it be immediately considered by the House.

THE SPEAKER: Is there objection to the request of the gentleman from Arizona?

MR. [TOBY] MOFFETT [of Connecticut]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. RHODES: Mr. Speaker, is a motion in order for the immediate consideration of the bill by the House?

THE SPEAKER: It is not.

10. 121 CONG. REC. 26252, 94th Cong. 1st Sess.

MR. RHODES: Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until 10 o'clock tomorrow to file a resolution and report.

THE SPEAKER: Is there objection to the request of the gentleman from Arizona?

MR. [JOHN] BRADEMÁS [of Indiana]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

***Consideration by Unanimous Consent of Joint Resolution Concerning Precedents***

**§ 1.14 By unanimous consent, the House considered and passed a joint resolution reported from the Committee on House Administration, providing for the printing and distribution of the Precedents of the House, compiled by Lewis Deschler, former Parliamentarian of the House.**

On Sept. 30, 1976,<sup>(11)</sup> the House agreed to a unanimous-consent request to consider House Joint Resolution 1107 (providing for printing and distribution of Deschler's Precedents of the House of Representatives), as follows:

MR. [JOHN] BRADEMÁS [of Indiana]: Mr. Speaker, I ask unanimous consent [for the] consideration of the joint resolution (H.J. Res. 1107) to provide for

the printing and distribution of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler, as amended, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

THE SPEAKER:<sup>(12)</sup> Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1107

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there shall be printed and bound as a public document two thousand sets of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler (hereinafter in this joint resolution referred to as the "Precedents"). . . .

With the following committee amendment:

Page 2, line 6, strike "Ninety-fourth" and insert in lieu thereof "Ninety-fifth".

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

***Resolution Impeaching Government Official***

**§ 1.15 A resolution directly impeaching an officer of the**

11. 122 CONG. REC. 34220, 94th Cong. 2d Sess.

12. Carl Albert (Okla.).

**United States Government may be immediately considered in the House as a question of the highest privilege, but may be laid on the table before debate thereon.**

On July 13, 1978,<sup>(13)</sup> the following proceedings occurred in the House during consideration of House Resolution 1267 (impeaching Andrew Young, United States ambassador to the United Nations):

MR. [LAWRENCE P.] McDONALD [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 1267), and ask for its immediate consideration.

The Clerk read the resolution as follows:

*Resolved*, That Andrew Young, United States Ambassador to the United Nations, be impeached.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I move to lay the resolution on the table.

THE SPEAKER:<sup>(14)</sup> The question is on the motion to table offered by the gentleman from Texas (Mr. Wright). The motion to table is a privileged motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. McDONALD: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 293, nays 82, not voting 57, as follows: . . .

***Private Calendar Bill—Unanimous-consent Request Not in Order After Consideration Permitted***

**§ 1.16 During the consideration of a bill on the Private Calendar, it is too late to ask unanimous consent that the bill be passed over without prejudice after consideration has been permitted and committee amendments to the bill adopted.**

The following proceedings occurred in the House on Dec. 18, 1979:<sup>(15)</sup>

The Clerk called the bill (H.R. 2148) for the relief of Col. (Dr.) Paul A. Kelly.

There being no objection, the Clerk read the bill, as follows:

H.R. 2148

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed

13. 124 CONG. REC. 20606, 95th Cong. 2d Sess.

14. Thomas P. O'Neill, Jr. (Mass.).

15. 125 CONG. REC. 36758, 36759, 96th Cong. 1st Sess.

to pay, out of any money in the Treasury not otherwise appropriated, to Colonel (doctor) Paul A. Kelly. . . .

With the following committee amendment:

Strike all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sheila M. Jackson, SSN 529-76-6000, of Lehi, Utah, the sum of \$30,000. . . .

An amendment was offered:

Amendment offered by Mr. Sensenbrenner to the committee amendment: On page 3 after line 4 add the following new section:

Sec. 2. No amount in excess of 15 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the claims described in the first section. . . .

THE SPEAKER:<sup>(16)</sup> The Chair will ask the gentleman from Wisconsin, Is this amendment to the committee amendment?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Yes, and it has been approved by the committee, Mr. Speaker.

THE SPEAKER: The question is on the amendment offered by the gentleman from Wisconsin (Mr. Sensenbrenner) to the committee amendment.

The amendment to the committee amendment was agreed to.

THE SPEAKER: The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

THE SPEAKER: Does the gentleman from Iowa (Mr. Harkin) desire to address the amendment?

MR. [TOM] HARKIN [of Iowa]: Not the amendment, Mr. Speaker, but the bill itself.

THE SPEAKER: Does the gentleman object to the bill?

MR. HARKIN: I will ask unanimous consent that the bill be passed over without prejudice, Mr. Speaker.

THE SPEAKER: The gentleman's request comes too late.

MR. HARKIN: Then, Mr. Speaker, I would oppose the amendment.

THE SPEAKER: The amendment has been agreed to. The committee amendment as amended, has also been agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## § 2. Factors Bearing on Consideration; Points of Order Against Consideration; Special Rules and Unanimous-consent Agreements

The term "consideration" as used herein means the process by which the House deliberates, while in session, on a proposition on which action is to be taken or refused by the House.<sup>(17)</sup> The pur-

17. The scope of the term "consideration" as herein discussed is narrower than

16. Thomas P. O'Neill, Jr. (Mass.).